

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

MOSHE TANNENBAUM,

Plaintiff,

-against-

U.S. DEPARTMENT OF ENERGY (DOE) AND
U.S. ENVIRONMENTAL PROTECTION
AGENCY (EPA),

Defendants.

ORDER

No. 25-CV-05032 (PMH)

PHILIP M. HALPERN, United States District Judge:

On June 13, 2025, Plaintiff commenced the instant action, *pro se*, against defendants United States Department of Energy and United States Environmental Protection Agency. (Doc. 1). The Court directed the Clerk of Court to issue summonses as to Defendants, and directed Plaintiff to serve the summons and complaint on each Defendant within 90 days of the issuance of the summonses. (Doc. 5). On June 23, 2025, the Clerk of Court issued summonses as to Defendants and mailed an Information Package to Plaintiff. (Doc. 6; Doc. 7).

On July 22, 2025, Plaintiff filed a letter advising the Court that he mailed, via certified mail, copies of the summons and complaint to Defendants and attached photographs of the tracking information. (Doc. 8).

“[P]arties are ineligible to serve their own process under Rule 4(c)(2).” *Gibson v. Mount Vernon Montefiore Hosp. Exec. Dir.*, No. 22-CV-04213, 2024 WL 1217528, at *6 (S.D.N.Y. Mar. 19, 2024) (citations omitted). Plaintiff’s letter and declaration of service are insufficient to prove that service was effectuated by a person “who is not a party” to the action, Fed. R. Civ. P. 4(c)(2), 4(l)(1), rendering service upon Defendants insufficient under the Federal Rules of Civil Procedure.

Plaintiff is warned that it is his burden to demonstrate that service of process has been validly effectuated. Failure to have the summons and complaint properly and timely served upon each Defendant in accordance with Federal Rule of Civil Procedure 4 will result in the dismissal of this action without prejudice.

Plaintiff is referred to the Pro Se intake Unit at (212) 805-0175 for procedural assistance.

SO ORDERED:

Dated: White Plains, New York
July 24, 2025

A handwritten signature in black ink, appearing to read 'Philip M. Halpern', written over a horizontal line.

Philip M. Halpern
United States District Judge